

SENATE BILL NO. 353

INTRODUCED BY PEASE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MANAGEMENT OF WILD BUFFALO OR BISON THAT REQUIRE DISEASE CONTROL; PROVIDING FOR THE NEUTERING AND TRANSFER OF WILD BUFFALO OR BISON THAT ENTER THE STATE FROM YELLOWSTONE NATIONAL PARK AS AN ALTERNATIVE TO SLAUGHTER; PROVIDING THAT NEUTERED WILD BUFFALO OR BISON MAY BE TRANSFERRED TO QUALIFIED INDIAN TRIBAL ORGANIZATIONS ~~THAT DESIRE TO BEGIN A BUFFALO HERD OR TO INCREASE THE TRIBE'S PRESENT HERD~~; PROVIDING FOR TRANSFER COSTS; REVISING QUARANTINE PROVISIONS; AMENDING SECTION 81-2-120, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-2-120, MCA, is amended to read:

"81-2-120. Management of wild buffalo or bison for disease control. (1) Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse. Because federal protocols allow the release of neutered bison without restrictions, until approved quarantine facilities are constructed so that brucellosis-free wild buffalo or bison can be captured, quarantined, and transferred to qualified Indian tribal organizations pursuant to subsection (1)(d)(ii), the department, AS AN ALTERNATIVE TO SLAUGHTER, may capture and neuter live wild buffalo or bison THAT ARE LESS THAN 2 YEARS OF AGE and transfer the animals to tribal organizations without restrictions, pursuant to subsection (5).

(b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used

1 for reasons of public safety or regard for public or private property, the animal may be relocated to a place that
2 is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

3 (c) The live wild buffalo or bison may be taken through limited public hunts pursuant to 87-2-730 when
4 authorized by the state veterinarian and the department.

5 (d) The live wild buffalo or bison may be captured, tested, quarantined, and vaccinated. Quarantine
6 facilities may be on public or private property adjacent to Yellowstone national park. In addition to any state
7 quarantine facility, the state may also contract with private property owners to build, maintain, and operate
8 approved quarantine facilities on private property adjacent to Yellowstone national park. Wild buffalo or bison
9 that are certified by the state veterinarian as brucellosis-free may be:

10 (i) sold to help defray the costs that the department incurs in building, maintaining, and operating
11 necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or bison; or

12 (ii) transferred to qualified tribal entities that participate in the disease control program provided for in
13 this subsection (1)(d). Acquisition of wild buffalo or bison by a qualified tribal entity must be done in a manner
14 that does not jeopardize compliance with a state-administered or federally administered livestock disease control
15 program. The department may adopt rules consistent with this section governing tribal participation in the
16 program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the
17 disease control program.

18 (e) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or bison must be deposited
19 in the state special revenue fund to the credit of the department.

20 (f) Any revenue generated in excess of the costs referred to in subsection (1)(d)(i) must be deposited
21 in the state special revenue fund provided for in 87-1-513(2).

22 (2) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully
23 or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but
24 not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved
25 slaughterhouse or slaughter destination.

26 (3) In disposing of the carcass, the department:

27 (a) as first priority, may donate a wild buffalo or bison carcass to a charity or to an Indian tribal
28 organization; or

29 (b) may sell a wild buffalo or bison carcass to help defray expenses of the department. If the carcass
30 is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison

1 carcass to the state special revenue fund to the credit of the department.

2 (4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison
3 that enter Montana on private or public land and that are from a herd that is infected with a contagious disease
4 that may spread to persons or livestock and may jeopardize compliance with other state-administered or
5 federally administered livestock disease control programs.

6 (5) The department shall accept requests from Indian tribal organizations that meet the qualifications
7 of this subsection and coordinate the transfer of neutered wild buffalo or bison to the tribal organizations.
8 Transfer must be conducted, pursuant to authorization by the department AND FOLLOWING ANY NECESSARY
9 HOLDING PERIOD AS DETERMINED BY THE STATE VETERINARIAN, to any tribal organization ~~that desires to begin a wild~~
10 ~~buffalo or bison herd or to increase the tribe's present herd~~ if the tribe has an adequate tribal land base to
11 facilitate holding the animals in a safe and effective manner. Costs of transporting wild buffalo or bison to tribal
12 land must be shared equally between the state and the tribe, and the wild buffalo or bison must be offered to
13 qualified tribal organizations on a rotating basis."

14
15 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a
16 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
17 band of Chippewa.

18
19 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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